

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BARBARA JACOBS,

Plaintiff,

vs.

**CAVALRY PORTFOLIO SERVICES,
LLC; TRANS UNION LLC; EQUIFAX
INFORMATION SERVICES, LLC; and
EXPERIAN INFORMATION
SOLUTIONS, INC.**

Defendants.

Case No.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441(a), Defendant Experian Information Solutions, Inc. (“Experian”) hereby files its Notice of Removal of the above-captioned action to this Court and states as follows:

A. Introduction

1. Experian is a named Defendant in civil action No. CV-2011-902295.00 filed in the Circuit Court of Jefferson County, Alabama (the “State Court Action”).

2. The initial Complaint in the State Court Action was filed with the Clerk of the Circuit Court on June 25, 2011. The Complaint named Cavalry Portfolio Services, LLC (“Cavalry”), Trans Union LLC (“Trans Union”), and Equifax Information Services,

LLC (“Equifax”) as defendants. The initial Complaint did not name Experian as a defendant.

3. The First Amended Complaint (“Complaint”) in the State Court Action was filed with the Clerk of the Circuit Court on June 30, 2011. This Complaint names Experian, Cavalry, Trans Union, and Equifax as defendants. Experian was served with process on July 12, 2011.

4. Cavalry and Trans Union have been dismissed with prejudice in the State Court Action.

5. Equifax consents to this removal. *See* Exhibit A.

6. This Notice is being filed with this Court within thirty (30) days after Experian received a copy of Plaintiff’s initial pleading setting forth the claims for relief upon which Plaintiff’s action is based and is thus timely filed under 28 U.S.C. § 1446(b).

B. Basis for Removal

7. Experian is a corporation which, for monetary fees, regularly engages in whole or in part in the practice of assembling consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties. Experian uses means or facilities of interstate commerce for the purpose of preparing or furnishing consumer reports, and therefore is a “consumer reporting agency” within the meaning of 15 U.S.C. § 1681a(f).

8. Removal is proper because Plaintiff’s suit involves a federal question. *See* 28 U.S.C. §§ 1331, 1441(b); *Grable & Sons Metal Prods., Inc. v. Darue Eng’g & Mfg.*, 545 U.S. 308, 312 (2005). Specifically, Plaintiff’s claims arise under the Fair Credit

Reporting Act, 15 U.S.C. § 1681 *et seq.* See Complaint at ¶¶ 59-67 (at Exhibit B). Thus, this Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1681p, and this case may properly be removed to this United States District Court pursuant to 28 U.S.C. § 1441(a) and (b).

9. Further, this Court has supplemental jurisdiction over Plaintiff's claims based on Alabama state law. See 28 U.S.C. § 1367. Plaintiff also alleges claims against Experian for (1) negligent, reckless, wanton, malicious, and/or intentional conduct; and (2) negligence in hiring, supervising, and/or training. See Complaint at ¶¶ 76-83. Those claims arise from the same set of operative facts relating to Plaintiff's federal claims. Accordingly, each of those claims is related to Plaintiff's federal question claims and form a part of the same case and controversy pursuant to 28 U.S.C. § 1367(a).

10. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the action has been pending is located in this district.

11. In compliance with 28 U.S.C. § 1446(a), Experian attaches all of the pleadings, processes and Orders from the State Court Action (Exhibit B).

12. Promptly after the filing of this Notice of Removal, Experian shall provide notice of the removal to Plaintiff and to the clerk of the Court in the State Court Action, as required by 28 U.S.C. § 1446(d).

C. Jury Demand

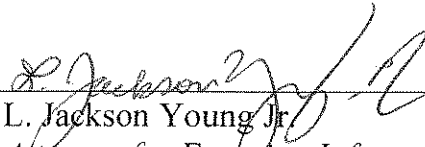
13. Plaintiff demanded a jury in the State Court Action.

D. Conclusion

14. For these reasons, Experian asks the court to remove the action to this federal court.

Dated: August 11, 2011

Respectfully submitted,



L. Jackson Young Jr.
*Attorney for Experian Information Solutions,
Inc.*

OF COUNSEL:

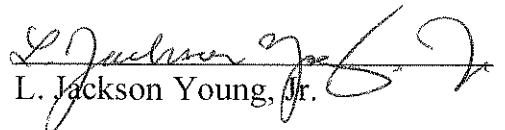
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of August, 2011, I caused the foregoing to be served via U.S. Mail with appropriate postage attached thereto to counsel of record.

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